

REMARKS

This Amendment is being filed in response to the Office Action mailed July 20, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3, 5-17, 19 and 41-42 are pending in the application, where claims 4 and 18 have been currently canceled without prejudice, claims 20-40 had been previously canceled without prejudice, and claims 41-42 have been currently added. Claim 1 is independent.

Applicant thanks the Examiner for acknowledging receipt and consideration of the Information Disclosure Statements filed on September 25, 2007 and October 8, 2007.

Applicant respectfully requests the Examiner to acknowledge the claim for priority and receipt of certified copies of all the priority documents.

By means of the present amendment, claims 1-3, 5-17, 19 have been amended for non-statutory reasons, such as for better form

including beginning the dependent claims with 'The' instead of 'A'. Such amendments to claims 1-3, 5-17, 19 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-19 are rejected under 35 U.S.C. §112, second paragraph for certain informalities. Applicant respectfully traverses this rejection. However, in the interest of advancing prosecution, claims 1-19 have been amended for better clarity and to remove the alleged informalities. Accordingly, withdrawal of this rejection and examination on the merits are respectfully requested.

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) over a publication entitled "A brief review of parallel magnetic resonance imaging", (Heidemann) or a publication "Anisotropic Water Diffusion in Macroscopically Oriented Lipid Bilayers Studied by Pulsed Magnetic Field Gradient NMR" (Wasterby). Applicant respectfully traverses and submits that claims 1-3, 5-17, 19 and 41-42, as amended, are patentable over Heidemann and Wasterby for at least the following reasons.

Heidemann is directed to increasing the speed of magnetic

resonance imaging (MRI) using parallel MRI or pMRI. Heidemann is solely concerned with obtaining images.

Wasterby is directed to measuring the anisotropy of water diffusion in macroscopically oriented lipid bilayers.

It is respectfully submitted that Heidemann, Wasterby, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

evaluating the signals so as to obtain information about the change in the spatial distribution of the magnetic particles and about physical, chemical and/or biological state variables, wherein the physical, chemical and/or biological state variables include at least one of substance concentration, temperature, pressure, viscosity and pH; and

correlating the change in the spatial distribution of the magnetic particles in the examination area with at least one a local concentration, temperature, pressure, viscosity and pH value.

Correlating the change in the spatial distribution of the magnetic particles in the examination area with at least one a local concentration, temperature, pressure, viscosity and pH value is nowhere disclosed or suggested in Heidemann and Wasterby, alone or in combination.

Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-3, 5-17, 19 and 41-42 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

PATENT
Serial No. 10/552,806
Amendment in Reply to Office Action mailed on July 20, 2009

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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October 19, 2009

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